

Union Calendar No. 279

105TH CONGRESS
2D SESSION

H. R. 3164

[Report No. 105–485]

To describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 5, 1998

Mr. SAXTON (for himself and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Resources

APRIL 21, 1998

Additional sponsor: Mr. DELAHUNT

APRIL 21, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on February 5, 1998]

A BILL

To describe the hydrographic services functions of the Administrator of the National Oceanic and Atmospheric Administration, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Hydrographic Services*
3 *Improvement Act of 1998”.*

4 **SEC. 2. DEFINITIONS.**

5 *In this Act:*

6 (1) *ADMINISTRATOR.*—*The term “Adminis-*
7 *trator” means the Administrator of the National Oce-*
8 *anic and Atmospheric Administration.*

9 (2) *ADMINISTRATION.*—*The term “Administra-*
10 *tion” means the National Oceanic and Atmospheric*
11 *Administration.*

12 (3) *HYDROGRAPHIC DATA.*—*The term “hydro-*
13 *graphic data” means information acquired through*
14 *hydrographic or bathymetric surveying, photo-*
15 *grammetry, geodetic measurements, tide and current*
16 *observations, or other methods, that is used in provid-*
17 *ing hydrographic services.*

18 (4) *HYDROGRAPHIC SERVICES.*—*The term “hy-*
19 *drographic services” means—*

20 (A) *the management, maintenance, inter-*
21 *pretation, certification, and dissemination of*
22 *bathymetric, hydrographic, geodetic, and tide*
23 *and current information, including the produc-*
24 *tion of nautical charts, nautical information*
25 *databases, and other products derived from hy-*
26 *drographic data;*

1 (B) the development of nautical information
2 systems; and

3 (C) related activities.

4 (5) *ACT OF 1947.*—The term “Act of 1947” means
5 the Act entitled “An Act to define the functions and
6 duties of the Coast and Geodetic Survey, and for other
7 purposes”, approved August 6, 1947 (33 U.S.C. 883a
8 et seq.).

9 **SEC. 3. FUNCTIONS OF THE ADMINISTRATOR.**

10 (a) *RESPONSIBILITIES.*—To fulfill the data gathering
11 and dissemination duties of the Administration under the
12 Act of 1947, the Administrator shall—

13 (1) acquire hydrographic data;

14 (2) promulgate standards for hydrographic data
15 used by the Administration in providing hydro-
16 graphic services;

17 (3) promulgate standards for hydrographic serv-
18 ices provided by the Administration;

19 (4) ensure comprehensive geographic coverage of
20 hydrographic services, in cooperation with other ap-
21 propriate Federal agencies;

22 (5) maintain a national database of hydro-
23 graphic data, in cooperation with other appropriate
24 Federal agencies;

1 (6) *provide hydrographic services in uniform,*
2 *easily accessible formats;*

3 (7) *participate in the development of, and imple-*
4 *ment for the United States in cooperation with other*
5 *appropriate Federal agencies, international standards*
6 *for hydrographic data and hydrographic services; and*

7 (8) *to the greatest extent practicable and cost-ef-*
8 *fective, fulfill the requirements of paragraphs (1) and*
9 *(6) through contracts or other agreements with pri-*
10 *rate sector entities.*

11 (b) *AUTHORITIES.—To fulfill the data gathering and*
12 *dissemination duties of the Administration under the Act*
13 *of 1947, and subject to the availability of appropriations,*
14 *the Administrator—*

15 (1) *may procure, lease, evaluate, test, develop,*
16 *and operate vessels, equipment, and technologies nec-*
17 *essary to ensure safe navigation and maintain oper-*
18 *ational expertise in hydrographic data acquisition*
19 *and hydrographic services;*

20 (2) *may enter into contracts and other agree-*
21 *ments with qualified entities, consistent with sub-*
22 *section (a)(8), for the acquisition of hydrographic*
23 *data and the provision of hydrographic services;*

24 (3) *shall award contracts for the acquisition of*
25 *hydrographic data, in accordance with title IX of the*

1 *Federal Property and Administrative Services Act of*
2 *1949 (40 U.S.C. 541 et seq.);*

3 *(4) may, subject to section 5, design and install*
4 *where appropriate Physical Oceanographic Real-Time*
5 *Systems to enhance navigation safety and efficiency;*
6 *and*

7 *(5) may enter cost-sharing agreements with*
8 *State or local governments or other public entities for*
9 *the purpose of acquiring hydrographic data or pro-*
10 *viding hydrographic services.*

11 **SEC. 4. QUALITY ASSURANCE PROGRAM.**

12 *(a) DEFINITION.—For purposes of this section, the*
13 *term “hydrographic product” means any publicly or com-*
14 *mercially available product produced by a non-Federal en-*
15 *tity that includes or displays information that includes or*
16 *displays hydrographic data.*

17 *(b) PROGRAM.—*

18 *(1) IN GENERAL.—The Administrator may—*

19 *(A) develop and implement a quality assur-*
20 *ance program, under which the Administrator*
21 *may certify hydrographic products that satisfy*
22 *the standards promulgated by the Administrator*
23 *under section 3(a)(3);*

24 *(B) authorize the use of the emblem or any*
25 *trademark of the Administration on a hydro-*

1 *graphic product certified under subparagraph*
 2 *(A); and*
 3 *(C) charge a fee for such certification and*
 4 *use.*

5 (2) *LIMITATION ON FEE AMOUNT.—Any fee*
 6 *under paragraph (1)(C) shall not exceed the costs of*
 7 *conducting the quality assurance testing, evaluation,*
 8 *or studies necessary to determine whether the hydro-*
 9 *graphic product satisfies the standards adopted under*
 10 *section 3(a)(3), including the cost of administering*
 11 *such a program.*

12 (c) *LIMITATION ON LIABILITY.—The Government of*
 13 *the United States shall not be liable for any negligence by*
 14 *a person that produces hydrographic products certified*
 15 *under this section, if that liability is based solely on certifi-*
 16 *cation of such data or product under subsection (b).*

17 (d) *HYDROGRAPHIC SERVICES ACCOUNT.—*

18 (1) *ESTABLISHMENT.—There is established in*
 19 *the Treasury a separate account, which shall be*
 20 *known as the Hydrographic Services Account.*

21 (2) *CONTENT.—The account shall consist of—*

22 (A) *amounts received by the United States*
 23 *as fees charged under subsection (b)(1)(C); and*

24 (B) *such other amounts as may be provided*
 25 *by law.*

1 (3) *USE.*—Amounts in the account shall be
 2 available to the Administrator, without further ap-
 3 propriation, for hydrographic services.

4 (e) *LIMITATION ON NEW FEES AND INCREASES IN EX-*
 5 *ISTING FEES FOR HYDROGRAPHIC SERVICES.*—After the
 6 date of the enactment of this Act, the Administrator may
 7 not—

8 (1) *establish any fee or other charge for the pro-*
 9 *vision of any hydrographic service except as author-*
 10 *ized by this section; or*

11 (2) *increase the amount of any fee or other*
 12 *charge for the provision of any hydrographic service*
 13 *except as authorized by this section and section 1307*
 14 *of title 44, United States Code.*

15 **SEC. 5. OPERATION AND MAINTENANCE OF PHYSICAL**
 16 **OCEANOGRAPHIC REAL-TIME SYSTEMS.**

17 (a) *NEW SYSTEMS.*—After the date of enactment of this
 18 Act, the Administrator may not design or install any *Phys-*
 19 *ical Oceanographic Real-Time System*, unless the local
 20 sponsor of the system or another Federal agency has agreed
 21 to assume the cost of operating and maintaining the system
 22 within 90 days after the date the system becomes oper-
 23 ational.

24 (b) *EXISTING SYSTEMS.*—After October 1, 1999, the
 25 Administration shall cease to operate *Physical Oceano-*

1 *graphic Real-Time Systems, other than any system for*
2 *which the local sponsor or another Federal agency has*
3 *agreed to assume the cost of operating and maintaining the*
4 *system by January 1, 1999.*

5 **SEC. 6. REPORTS.**

6 *(a) PHOTOGRAMMETRY AND REMOTE SENSING.—*

7 *(1) IN GENERAL.—Not later than 6 months after*
8 *the date of enactment of this Act, the Administrator*
9 *shall report to the Congress on a plan to increase,*
10 *consistent with this Act, contracting with the private*
11 *sector for photogrammetric and remote sensing serv-*
12 *ices related to hydrographic data acquisition or hy-*
13 *drographic services. In preparing the report, the Ad-*
14 *ministrator shall consult with private sector entities*
15 *knowledgeable in photogrammetry and remote sens-*
16 *ing.*

17 *(2) CONTENTS.—The report shall include the fol-*
18 *lowing:*

19 *(A) An assessment of which of the photo-*
20 *grammetric and remote sensing services related*
21 *to hydrographic data acquisition or hydro-*
22 *graphic services performed by the National*
23 *Ocean Service can be performed adequately by*
24 *private-sector entities.*

1 (B) *An evaluation of the relative cost-effec-*
2 *tiveness of the Federal Government and private-*
3 *sector entities in performing those services.*

4 (C) *A plan for increasing the use of con-*
5 *tracts with private-sector entities in performing*
6 *those services, with the goal of obtaining per-*
7 *formance of 50 percent of those services through*
8 *contracts with private-sector entities by fiscal*
9 *year 2003.*

10 (b) *PORTS.—Not later than 6 months after the date*
11 *of enactment of this Act, the Administrator shall report to*
12 *the Congress on—*

13 (1) *whether or not implementation of real-time*
14 *tide and current data systems could enhance economic*
15 *competitiveness and environmental protection in*
16 *United States ports;*

17 (2) *the status of implementation of those systems;*

18 (3) *existing safety and efficiency needs in United*
19 *States ports that could be met by increased use of*
20 *those systems; and*

21 (4) *a plan for expanding those systems to meet*
22 *those needs, including an estimate of the cost of im-*
23 *plementing those systems in priority locations.*

24 (c) *MAINTAINING FEDERAL EXPERTISE IN HYDRO-*
25 *GRAPHIC SERVICES.—*

1 (1) *IN GENERAL.*—Not later than 6 months after
2 the date of enactment of this Act, the Administrator
3 shall report to the Congress on a plan to ensure that
4 Federal competence and expertise in hydrographic
5 surveying will be maintained after the decommission-
6 ing of the 3 existing National Oceanic and Atmos-
7 pheric Administration hydrographic survey vessels.

8 (2) *CONTENTS.*—The report shall include—

9 (A) an evaluation of the seagoing capacity,
10 personnel, and equipment necessary to maintain
11 Federal expertise in hydrographic services;

12 (B) an estimated schedule for decommis-
13 sioning the 3 existing survey vessels;

14 (C) a plan to maintain Federal expertise in
15 hydrographic services after the decommissioning
16 of these vessels; and

17 (D) an estimate of the cost of carrying out
18 this plan.

19 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

20 There is authorized to be appropriated to the Adminis-
21 trator the following:

22 (1) To carry out nautical mapping and charting
23 functions under the Act of 1947 and sections 3 and
24 4, except for conducting hydrographic surveys,
25 \$33,000,000 for fiscal year 1999, \$34,000,000 for fis-

1 *cal year 2000, \$35,000,000 for fiscal year 2001,*
2 *\$36,000,000 for fiscal year 2002, and \$37,000,000 for*
3 *fiscal year 2003.*

4 *(2) To conduct hydrographic surveys under sec-*
5 *tion 3(a)(1), including leasing of ships, \$33,000,000*
6 *for fiscal year 1999, \$35,000,000 for fiscal year 2000,*
7 *\$37,000,000 for fiscal year 2001, \$39,000,000 for fis-*
8 *cal year 2002, and \$41,000,000 for fiscal year 2003.*
9 *Of these amounts, no more than \$14,000,000 is au-*
10 *thorized for any one fiscal year to operate hydro-*
11 *graphic survey vessels owned and operated by the Ad-*
12 *ministration.*

13 *(3) To carry out geodetic functions under the Act*
14 *of 1947, \$20,000,000 for fiscal year 1999, and*
15 *\$22,000,000 for each of fiscal years 2000, 2001, 2002,*
16 *and 2003.*

17 *(4) To carry out tide and current measurement*
18 *functions under the Act of 1947, \$22,500,000 for each*
19 *of fiscal years 1999 through 2003. Of these amounts,*
20 *\$2,500,000 is authorized for each fiscal year to imple-*
21 *ment and operate a national quality control system*
22 *for real-time tide and current data, and \$7,500,000*
23 *is authorized for each fiscal year to design and install*
24 *real-time tide and current data measurement systems*
25 *under section 3(b)(4) (subject to section 5).*

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